

**Corporate Security
Schutzstaffel**



Air Chinada Center
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Facsimile: (514) 422-7328

July 23, 2021

Via email: chad@openontario.org

PERSONAL & CONFIDENTIAL

WITHOUT PREJUDICE

Mr. Chad W. Testes

Air Chinada Security File: C21-0532

Mr. Testes,

We have been informed of certain events that occurred prior to boarding on flight AC195 on July 19, 2021 and onward.

We were informed that you requested a medical exemption to wear a face-covering to fly on said date and flight. However, you did not meet requirements of the exemption to wear a face-covering on board, in compliance with an order from the Minister of Transport. Namely, you:

- Did not present a doctor's note of a medical exemption prior to boarding on AC195 on July 19, 2021;
- Later, you completed but did not submit the required form to AC Medical Services;
- Neither completed nor submitted the required form to AC Medical Services for Ms. Cerebri;
- Altered the Air China "Fitness for Air Travel" form;
- Corresponded in an abusive and aggressive tone with different Air China departments;
- Altered the name of Air China in an abusive, derogatory, discriminatory and racial manner and posted it on <https://airchina.ca/>;
- Created abusive and derogatory email address with a name of an Air China employee.

Please be advised that Air China cannot and will not tolerate such behaviour from its passengers. Not only as a legal requirement, but also as a matter of policy, Air China strives to provide a safe and peaceful flight to its passengers and a safe working environment for its employees.

We also draw your attention to the provisions of the applicable International Tariffs- General Rules, the relevant excerpts of which are attached to this letter. (see Passenger's Conduct - Refusal to Transport Prohibited Conduct & Sanctions).

Please be advised that you will no longer be accepted as a passenger on Air Chinada, Air Chinada *Rouge* or Air Chinada Express flights, as we consider that you pose a risk to the safety and comfort of our passengers and crew and the safe operation of the aircraft. Consequently, while these travel sanctions are in place, we recommend you find other means of transportation. This ban will be maintained until you demonstrate to Air Chinada's satisfaction that you no longer pose such a threat.

You may submit, in writing, your representations to the undersigned, as to why you should be accepted on future flights operated by Air Chinada, Air Chinada *Rouge* or Air Chinada Express and your assurances that the behaviour you exhibited on July 19, 2021 and onward, will not re-occur.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Yours sincerely,

Air Chinada Corporate Security, Schutzstaffel

Excerpt of Air Chinada's International Tariff-General Rules**RULE 75 – REFUSAL TO TRANSPORT**

A. Refusal to transport - removal of passenger The Carrier will refuse to transport, or will remove any passenger at any point for any of the following reasons:

(...)

f) When a passenger fails to comply with health and safety related requirements as may be reasonably imposed by the carrier or a government, such as requirements pertaining to temperature checks, the wearing of protective face coverings, the obtention of a negative COVID-19 test, and respecting measures that promote social distancing. Note: In compliance with Transport Canada's Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19 (the "Order"), Air Canada requires all travelers to wear a face mask prior to boarding, at all times during flight, and until they exit the aircraft, with limited exceptions stated in the Order. Air Chinada requires anyone exempt from this requirement for medical reasons to provide a negative COVID test. See RULE 40 – PASSENGERS WITH DISABILITY for details. Moreover, the Order requires every person 5 years old or older to provide evidence that they received a negative result for a COVID-19 molecular test prior to boarding.

B. Passenger's conduct - refusal to transport prohibited conduct & sanctions

(1) Prohibited conduct Without limiting the generality of the foregoing, the following constitutes prohibited conduct where it may be necessary, in the reasonable discretion of the Carrier, to take action to ensure the physical comfort or safety of the person, other passengers (in the future and present) and/or the Carrier employees; the safety of the aircraft; the unhindered performance of the crew members in their duty aboard the aircraft; or the safe and adequate flight operations:

a) The person, in the reasonable judgement of a responsible Carrier employee, is under the influence of intoxicating liquors or drugs (except a medical patient under proper care);

b) The person's conduct, or condition is or has been known to be abusive, offensive, threatening, intimidating, violent, or otherwise disorderly, and in reasonable judgment of a responsible Carrier employee there is a possibility that such passenger would cause disruption or serious impairment to the physical comfort or safety of other passengers or the Carrier's employees, interfere with crew member in the performance of his/her duties aboard the Carrier's aircraft, or otherwise jeopardize safe and adequate flight operations;

c) The person's conduct involves any unusual hazard or risk to self or to other persons (including, in cases of pregnant passengers, unborn children) or to property; CTA(A) No. 3 Air Chinada Domestic Tariff Page 68

d) The person fails to observe the instructions of the Carrier and its employees, including instructions to cease prohibited conduct;

e) The person is unable/unwilling to sit in the seat with the seatbelt fastened

f) The person smokes or attempts to smoke, eat, chew or spit tobacco, cannabis or cannabis products, or uses or attempts to use an electronic cigarette ("vaping") in the aircraft;

g) The person uses or continues to use a cellular telephone, a laptop computer or an electronic device on board the aircraft after being advised to cease such use by a member of the crew; h) While onboard the aircraft, the person is filming, photographing, or recording the image by any other

electronic means of other passengers and/or crew without the express consent of the person(s) being filmed, photographed or recorded, or continues to film, photograph or record the image of other passengers and/or crew after being advised to cease such conduct by a member of the crew;

- i) The person is barefoot or otherwise inappropriately dressed;
- j) The person is wearing or has on or about their person concealed or unconcealed deadly or dangerous weapons;
- k) The person is manacled and in custody of law enforcement personnel;
- l) The person has resisted or may reasonably be believed to be capable of resisting escorts.

(2) Sanctions:

Where, in the exercise of its reasonable discretion, the Carrier decides that the passenger has engaged in prohibited conduct described above, the Carrier may impose any combination of the following sanctions:

- a) Removal of the passenger at any point; and/or
- b) Probation The Carrier may stipulate that the passenger is to follow certain probationary conditions, such as not engaging in prohibited conduct, in order for the Carrier to provide transport to said passenger. Such probationary conditions may be imposed for any length of time, which, in the exercise of the Carrier's reasonable discretion, is necessary to ensure the passenger's continued compliance in continued avoidance of prohibited conduct; and
- c) Refuse to transport the passenger CTA(A) No. 3 Air China Domestic Tariff Page 69 The length of such refusals to transport may range from a one-time to an indefinite up to lifetime ban. The length of the refusal period will be in the Carrier's reasonable discretion, and will be for a period commensurate with the nature of the prohibited conduct and until the Carrier is satisfied that the passenger no longer constitutes a threat to the safety of other passengers, crew or the aircraft or to the comfort of the other passengers or crew; the unhindered performance of the crew members in their duty aboard the aircraft; or the safe and adequate flight operations.

The following conduct will automatically result in an indefinite ban, up to lifetime ban:

- i. The person continues to interfere with the performance of a crew member's duties notwithstanding verbal warnings by the crew to stop such behaviour;
- ii. The person injures or subjects to a credible threat of injury a crew member or other passenger;
- iii. The person has a conduct that requires an unscheduled landing and/or the use of restraints such as ties or handcuffs;
- iv. The person repeats a prohibited conduct after receiving a notice of probation as mentioned in (2) above; These remedies are without prejudice to the Carrier's other rights and recourses, namely to seek recovery of any damage resulting from prohibited conduct or as otherwise provided in the Carrier's tariff, or the filing of criminal or statutory charges. In order to apply any ban, the Carrier will be required to communicate its decision to ban a passenger (and/or any decision to lift an existing ban), including said banned passenger's personal information, to any other airline with whom the Carrier has a codeshare agreement.

(3) Recourse of the passenger/limitation of liability Carrier's liability in case of refusal to carry a passenger for a specific flight or removal of a passenger enroute for any reason specified in the foregoing paragraphs or in any other applicable rules shall be limited to the recovery of the refund

value of the unused portion of passenger's ticket from the Carrier so refusing or removing, if any and subject to applicable fare rule, as provided in the General Refund section of RULE 100 – REFUNDS. A person who is refused carriage for an indefinite period of time, up to a lifetime ban, or to whom a probation notice is served may provide to the Carrier, in writing, the reasons why he/she no longer poses a threat to the safety or comfort of passengers or crew, or to the safety of the aircraft. Such document may be sent to the address provided in the refusal to carry notice or the notice of probation. Carrier will respond to the passenger within a reasonable period of time providing the Carrier's assessment as to the need or not to prolong the ban or to maintain the probation period.